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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

R0372.00101

I her. by declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,261,291, granted July 17, 2001 and for which a reissue patent is sought on the invention entitled _____,ORTHOPEDIC IMPLANT ASSEMBLY

the specification of which

☒ is attached hereto.☒ was filed on July 15, 2003 as reissue application number 10/620,154and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

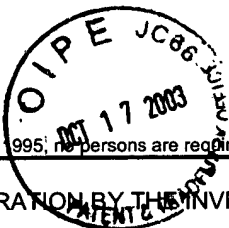
At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The new claim 29 is broader than issued claims 1 and 23 of the U.S. Patent No. 6,261,291 in several aspects. New Claim 29 is directed to an attachment member that has an "attachment component" which does not require "an anterior surface" and "a posterior surface" as required by the issued claims. Moreover, the new claim 29 includes a "stopping surface" which does not require "a biased stopping member" as set forth in the issued claims. Additionally, new claim 29 does not positively include a securing member.

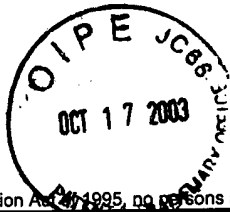
[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **C mmissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)				Docket Number (Optional) R0372.00101	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.					
Note: To appoint a power of attorney, use form PTO/SB/81.					
Correspondence Address: Direct all communications about the application to:					
<input type="checkbox"/> Customer Number: <div style="border: 1px solid black; width: 300px; height: 30px; display: inline-block;"></div>					
OR					
<input checked="" type="checkbox"/> Firm or Individual Name		Edward J. Lynch			
Address		Duane Morris LLP			
Address		One Market, Spear Tower, Ste. 2000			
City		San Francisco		State CA	Zip 94105
Country		U.S.			
Telephone		(415) 371-2267		Fax	(415) 371-2201
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of sole or first inventor (given name, family name) David J. Talaber					
Inventor's signature <i>David J. Talaber</i>				Date 9/29/03	
Residence 5185 Charlotte Way, Livermore, CA 94550				Citizenship U.S.	
Mailing Address Same					
Full name of second joint inventor (given name, family name) James R. Lloyd					
Inventor's signature <i>James R. Lloyd</i>				Date 10/1/03	
Residence 1080 Circle Dr., Elm Grove, WI 53122				Citizenship U.S.	
Mailing Address Same					
Full name of third joint inventor (given name, family name)					
Inventor's signature				Date	
Residence				Citizenship	
Mailing Address					
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.					

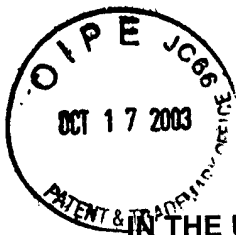


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CONSENT OF ASSIGNEE TO REISSUE, POWER OF ATTORNEY AND STATEMENT UNDER 37 C.F.R. 1.373(b)		Docket Number (Optional) R0372.00101
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) TALABER ET AL.		
Patent Number 6,261,291	Date Patent Issued July 17, 2001	
Title of Invention ORTHOPEDIC IMPLANT ASSEMBLY		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96) Statement of Ownership: Assignee Acantha LLC is the holder of all right, title and interest in the U.S. Pat. No. 6,261,291 by virtue of assignment recorded on June 4, 2002 at reel/frame 012967/0893.</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee(s) owning an undivided interest in said original patent is/are <u>Acantha LLC</u> , and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) Acantha LLC		
Signature <i>David J. Talaber</i>	Date 9/29/03	
Typed or printed name and title of person signing for assignee (if assigned) David J. Talaber, President <i>Managing Member</i> 9/29/03		

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commission r for Patents, P.O. B x 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Talaber et al.

For: **ORTHOPEDIC IMPLANT ASSEMBLY**

Serial No.: 10/620,154

Filed: July 15, 2003

Atty. Docket No.: R0372.00101

Examiner: Not yet assigned

Group Art: 3731

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that this paper is being deposited in the United States mail as first class mail with postage prepaid, and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10/13/03 in San Francisco, CA.

By: [Signature]

POWER OF ATTORNEY BY ASSIGNEE AND REVOCATION OF PRIOR POWERS

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As Assignee of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the following attorneys are hereby appointed to prosecute and transact all business in the Patent and Trademark Office in connection with the above-identified application.

<u>Attorney/Agent</u>	<u>Reg. No</u>	<u>Attorney/Agent</u>	<u>Reg. No.</u>
Edward J. Lynch	24,422	L. Howard Chen	44,615
Mark C. Comtois	46,285	L. Lawton Rogers, III	24,302
D. Joseph English	42,514	Patrick D. McPherson	46,255

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Direct Dial: (415) 371-2267

The above-identified application is copending Serial No. 09/349,519, of which a copy of the assignment is enclosed. The assignment is recorded at reel 012967 and frame 0893.

Respectfully submitted,

Signature: David J. Talaber

Name: David J. Talaber

Title: President *Managing Member*

Date: 9/29/03